

CONFIDENTIAL

# REVIEW TO RENEW

A return to the principles of transparency  
and accountability

Maureen Bader, B.C. Director, Canadian Taxpayers Federation  
P.O. Box 20539 Howe Street RPO, Vancouver, B.C. V6Z 2N8  
Ph: (604) 608-6770 • e-mail: [mbader@taxpayer.com](mailto:mbader@taxpayer.com) • web: [www.taxpayer.com](http://www.taxpayer.com)

## **About the Canadian Taxpayers Federation**

The Canadian Taxpayers Federation (CTF) is a federally incorporated, non-profit and non-partisan, advocacy organization dedicated to lower taxes, less waste and accountable government. The CTF was founded in Saskatchewan in 1990 when the *Association of Saskatchewan Taxpayers* and the *Resolution One Association of Alberta* joined forces to create a national taxpayers organization. Today, the CTF has over 60,000 supporters nationwide.

The CTF maintains a federal office in Ottawa and offices in the five provinces of British Columbia, Alberta, Saskatchewan, Manitoba and Ontario. Provincial offices conduct research and advocacy activities specific to their provinces in addition to acting as regional organizers of Canada-wide initiatives.

CTF offices field hundreds of media interviews each month, hold press conferences and issue regular news releases, commentaries and publications to advocate the common interest of taxpayers. The CTF's flagship publication, *The Taxpayer* magazine, is published four times a year. An issues and action update called *TaxAction* is produced regularly. CTF offices also send out weekly *Let's Talk Taxes* commentaries to more than 800 media outlets and personalities nationally.

CTF representatives speak at functions, make presentations to government, meet with politicians, and organize petition drives, events and campaigns to mobilize citizens to effect public policy change.

All CTF staff and board directors are prohibited from holding a membership in any political party. The CTF is independent of any institutional affiliations. Contributions to the CTF are not tax deductible.

## **Canadian Taxpayers Federation**

Head Office:  
Suite 105, 438 Victoria Avenue East  
Regina, Saskatchewan  
S4N 0N7  
Telephone: 306.352.7199  
Facsimile: 306.352.7203  
E-mail: [canadian@taxpayer.com](mailto:canadian@taxpayer.com)

BC Office:  
PO Box 20549, Howe St. RPO  
Vancouver, British Columbia  
V6Z 2N8  
Telephone: 1.800.699.2282  
Facsimile: 604.608.6773  
E-mail: [bc.director@taxpayer.com](mailto:bc.director@taxpayer.com)

Web Site: [www.taxpayer.com](http://www.taxpayer.com)

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# Introduction

As Gordon Campbell wrote in 1998 while leader of the opposition;

Open government is the hallmark of a free and democratic societies (sic).

Access to government information helps us, as the Official Opposition, and others hold the government to account, and accountability enhances democracy. When government does its business behind closed doors, people will invariably believe that government has something to hide. Secrecy feeds distrust and dishonesty. Openness builds trust and integrity.

But FOI [Freedom of Information] is not just a tool of Opposition. The fundamental principle must be this: government information belongs to the people, not to government. This means, among other things, that all citizens must have timely, effective and affordable access to the documents which governments make and keep. Governments should facilitate access, not obstruct it.

Moreover, information rights are meaningless if disclosure timetables cannot be met because there aren't enough staff to do the job, or if fees become an obstacle to access.

With these principles in mind I am writing to assure the members of the Campaign for Open Government that the BC Liberal caucus is strongly committed to: maintaining and enhancing the rights and protections enshrined in BC's *Freedom of Information and Privacy Act*; ensuring that resources are available so that all provincial government public bodies are able to meet or beat statutory disclosure timetables, and; ensuring that no search or photocopy fees are charged to any citizen requesting copies of their personal records.

Regrettably, the NDP have abandoned their commitment to open government. Expenditure cuts, the threat of fee increases, and the excessive reliance on FOI as the only way of obtaining routine government documents are all evidence of a government which prefers the practice of concealment to the culture of openness. This is unacceptable. We have spoken out against these NDP policies. We will continue to speak out. I applaud your vigilance in protecting open government in British Columbia and I look forward to any opportunity that I or my caucus members may have to work with you in this worthwhile cause.

This review of the provisions of the *Freedom of Information and Protection of Privacy Act* (FOIPPA) is an opportunity to renew these principles laid out by now premier, Gordon Campbell.

The information created by government belongs to the people and they have the right to timely access. As government encroaches into more aspects of our daily lives and increases spending to do that, a return to those principles is more important than ever.

## **Principles:**

The overriding principle for the FOIPP Act must be open and transparent government. Other important principles include timely, effective and affordable access to the documents which governments make and keep.

As Gordon Campbell says, "governments should facilitate access, not obstruct it."

However, as government becomes bigger and more costly to taxpayers, the resources used to handle requests grow. This causes the fees the government charges to find and prepare the records to increase, at times so large as to effectively deny access.

The Canadian Taxpayers Federation's (CTF) mandate is to achieve lower taxes, less waste and government accountability. Thus, the CTF is focusing on two key recommendations that will help make government more accountable to the taxpayer. As they are similar to the recommendations made by the previous committee charged with the review of the FOIPP Act, we hope the current committee is able to act on these recommendations this time.

## Recommendations

The CTF submission will highlight two areas where improvement is required:

### Recommendation 1

The CTF recommends all information in the public interest be routinely disclosed.

This recommendation emphasizes the fact that taxpayers should have ready access to the information for which we pay.

This recommendation is the guiding principle for open and transparent government. It will also lead to timely, effective and affordable access to the documents which governments make and keep. In addition, it will help ensure that the cost of providing that information is controlled.

The City of Toronto provides an excellent example of routine disclosure. Any person may review the details of a city councillor's expense records on the city's detailed expense [report site](#), including the ability to view the actual invoice of an expense charged to taxpayers.

The government has a duty to assist, must respond under certain time limits, and not apply excessive fees to requests for information. More routine disclosure would help overcome these problems and stop any escalation in the cost of the FOI process to taxpayers.

### Recommendation 2

The CTF recommends any organization receiving tax dollars be subject to the FOIPP Act with regard to how those dollars are spent.

The trend towards competition for the provision of government services will ensure that taxpayers get the most cost-effective service delivery. However, accountability for how those dollars are spent still rests with government. Thus the FOIPP Act must be extended to all public and quasi-public bodies and to records created by or in the custody or control of alternate service providers. In addition, the government must not arbitrarily exclude public bodies, such as VANOC, from the FOIPP Act.

The reasons for this are clear, as the Comptroller General's 2009 report on B.C. Ferries shows, oversight for how tax dollars are spent once an organization is no longer under the watchful eye of the FOIPP Act is lacking.

B.C. Ferries was exempted from freedom-of-information laws in 2003, when it became a quasi-private company. A review by the Office of the Comptroller General asked whether taxpayers are getting value for money from B.C. Ferries and whether B.C. Ferries was meeting the objectives for which its governance model was created.

The comptroller-general said the government should consider making B.C. Ferries and the B.C. Ferry Authority subject to FOI and privacy rules.

Although the comptroller general's report concluded B.C. Ferries was relatively well run, it found pay packages to be excessive. B.C. Ferries is still a government monopoly and still gets millions of taxpayer's dollars every year to operate, yet appears to be accountable to no one.

The report calls for a new governance model to achieve greater accountability from BC Ferries and its board, and greater oversight from its shareholder, the BC Ferry Authority, and the BC Ferry Commission. However, more bureaucracy is not the solution. All government organizations must face the competitive discipline of the private marketplace, but as the BC Ferries example shows, all organizations receiving tax dollars must be subject to the *Act*.

Any reduction in the *Act*'s coverage of institutions funded by taxpayers is a reduction of transparency and accountability.

As former Information Commissioner, David Loukidelis wrote: "I suggest that transparency is more, not less, important in relation to long-term, high-value, contracts under which the public sector's capacity to deliver a particular public service may be handed over to a private sector service provider....The price of doing business with government is a degree of scrutiny not found in purely private business deals."

Now, it is time for the *Act* to go further and protect taxpayers from all spending abuses by extending it to any organization that receives government funds, with regards to how those funds are used. Until taxpayers are empowered to control how their money is used, high taxes, wasteful spending and lack of accountability will continue.

## **Conclusion**

We are rapidly moving toward an environment of bigger, more intrusive government, working ever more under the cover of darkness. As the intentions laid out in the Premier's statement become increasingly undermined, so too does government accountability. Concerned citizens and citizen groups are left to pick up where government fails. To do that, the FOIPP Act must regain the principles it was originally enacted to accomplish.